

AMENDED IN SENATE AUGUST 12, 2013  
AMENDED IN ASSEMBLY APRIL 11, 2013  
AMENDED IN ASSEMBLY MARCH 19, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 467**

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**Introduced by Assembly Member Stone**

February 19, 2013

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*An act to add Division 30.5 (commencing with Section 81100) to the Water Code, relating to water quality. An act to amend Section 14581 of the Food and Agricultural Code, relating to the Fertilizer Inspection Advisory Board.*

LEGISLATIVE COUNSEL'S DIGEST

AB 467, as amended, Stone. ~~Freshwater Protection Act. Fertilizer Inspection Advisory Board.~~

*Existing law governs the manufacture and distribution of fertilizing materials, as defined, including licensing, labeling, and inspection, and requires the Secretary of Food and Agriculture to enforce these provisions. Existing law establishes, within the Department of Food and Agriculture, the Fertilizer Inspection Advisory Board to advise the secretary and make recommendations on all matters pertaining to these provisions, as specified. The board consists of 9 persons appointed by the secretary, 8 of whom are required to be licensed pursuant to these provisions and subject to the payment of a specified inspection fee, and one of whom is required to be a public member.*

*This bill would revise the composition of the board to require only 3 members of the board to be licensed pursuant to these provisions and subject to the payment of the inspection fee. The bill would require the*

*board to be composed of 3 farmers or farmer representatives, at least one of whom is an organic farmer or the representative of an organic farming program, one member who represents the academic community, one member who is an environmental expert with knowledge relevant to the board's function, and one public member who represents a community whose primary source of drinking water exceeds the maximum contaminant level for nitrate.*

~~Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with authority over matters relating to water quality. The state board and the regional boards prescribe waste discharge requirements for the discharge of waste that could affect the quality of the waters of the state. Existing law authorizes local agencies to adopt groundwater management laws that include contamination cleanup provisions.~~

~~This bill would establish the Freshwater Protection Fund in the State Treasury, under the administration of the state board, and would provide that money in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund. This bill would require the state board, upon appropriation, to expend moneys from the fund for various purposes generally relating to groundwater and water quality. This bill would require the state board, in expending moneys from the fund, to prioritize programs that provide drinking water solutions for disadvantaged and severely disadvantaged communities.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 14581 of the Food and Agricultural Code
- 2     is amended to read:
- 3     14581. (a) There is, in the department, a Fertilizer Inspection
- 4     Advisory Board consisting of nine persons appointed by the
- 5     secretary, eight of whom shall be licensed under this chapter and
- 6     subject to the payment of the inspection fee in accordance with
- 7     this chapter, and one of whom shall be a public member. The which
- 8     shall be composed of the following individuals:
- 9     (1) Three members who are licensed under this chapter and
- 10    subject to payment of the inspection fee.

1 (2) *Three members who are farmers or farmer representatives,*  
2 *at least one of whom is an organic farmer or a representative of*  
3 *an organic farming program.*

4 (3) *One member who represents the academic community.*

5 (4) *One member who is an environmental expert with knowledge*  
6 *relevant to the board's function.*

7 (5) *One member of the public who represents a community*  
8 *whose primary source of drinking water exceeds the maximum*  
9 *contaminant level for nitrate.*

10 (b) *The members of the board shall receive no compensation,*  
11 *but are entitled to payment of necessary traveling expenses in*  
12 *accordance with the rules of the Department of Human Resources.*  
13 *These expenses shall be paid out of appropriations made to the*  
14 *department pursuant to this chapter.*

15 ~~SECTION 1. Division 30.5 (commencing with Section 81100)~~  
16 ~~is added to the Water Code, to read:~~

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18 ~~DIVISION 30.5. FRESHWATER PROTECTION ACT~~  
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20 ~~81100. (a) There is in the State Treasury a Freshwater~~  
21 ~~Protection Fund.~~

22 ~~(b) The Treasurer may receive money or other assets from any~~  
23 ~~source for deposit into the fund, including gifts, grants, and~~  
24 ~~bequests.~~

25 ~~(c) Moneys in the fund at the close of the fiscal year shall remain~~  
26 ~~in the fund and shall not revert to the General Fund.~~

27 ~~(d) The board shall be the administrator of the fund for auditing~~  
28 ~~purposes.~~

29 ~~(e) The board shall expend moneys from the fund, upon~~  
30 ~~appropriation by the Legislature, only for one or more of the~~  
31 ~~following purposes:~~

32 ~~(1) Direct assistance.~~

33 ~~(2) Indirect assistance.~~

34 ~~(3) Emergency response and removal of potential sources of~~  
35 ~~contamination.~~

36 ~~(4) Natural resource protection.~~

37 ~~(5) Administrative costs. Expenditures pursuant to this paragraph~~  
38 ~~shall not exceed 20 percent of the annual appropriation from the~~  
39 ~~fund.~~

~~(f) The board shall, in expending moneys from the fund, prioritize programs that provide drinking water solutions for disadvantaged and severely disadvantaged communities.~~

~~81101. (a) "Administrative costs" includes, but is not limited to, costs incurred during any of the following:~~

~~(1) Groundwater monitoring for fertilizers.~~

~~(2) Development and enforcement of natural resource protection rules.~~

~~(3) Coordination of programs under this division with the United States Environmental Protection Agency and state programs to protect human and environmental health.~~

~~(4) Management of fertilizer sales information.~~

~~(b) "Direct assistance" includes, but is not limited to, any of the following:~~

~~(1) Programs that provide sustainable, affordable, accessible drinking water solutions for disadvantaged and severely disadvantaged communities, including those communities served by drinking water systems between 2 and 14 connections and by private wells.~~

~~(2) Programs that provide for alternate drinking water supplies or treatment, including consolidation with an existing noncontaminated water system.~~

~~(3) Programs that provide for closure of wells that may impact groundwater, such as abandoned, improperly constructed, or drainage wells.~~

~~(4) Programs devoted to integrated natural resources conservation that encourage the judicious use of fertilizers and other agricultural inputs and practices that are protective of water quality.~~

~~(5) Programs that provide monitoring of private wells to detect fertilizers or fertilizers with other contaminants.~~

~~(6) Programs that enhance investment of private and federal funds in fertilizer management and remediation for freshwater protection.~~

~~(7) Programs that provide verification of actions taken pursuant to this section.~~

~~(8) Other programs established pursuant to this division.~~

~~(c) "Indirect assistance" includes, but is not limited to, any of the following:~~

- 1     ~~(1) Programs that provide education about fertilizers and~~  
2 ~~fertilizer management.~~
- 3     ~~(2) Programs that provide technical assistance on fertilizers and~~  
4 ~~fertilizer management.~~
- 5     ~~(3) Programs that provide for the promotion and implementation~~  
6 ~~of onsite evaluation systems and freshwater protection practices.~~
- 7     ~~(4) Research programs for the determination of the impacts of~~  
8 ~~alternate management practices.~~
- 9     ~~(5) Research programs for the determination of natural resources~~  
10 ~~sensitivity and vulnerability to contamination.~~

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